

By E-Mail and By Hand

January 31, 2006

Mary L. Cottrell, Secretary
Department of Telecommunications
and Energy
One South Station, 2nd Floor
Boston, MA 02110

Re: Petition of NSTAR Companies for Approval of Proposed Revised Tariffs
 Relating to the Companies' Terms and Conditions for Distribution Services and
 Competitive Suppliers, D.T.E. 05-84.

Dear Secretary Cottrell:

The Retail Energy Supply Association ("RESA") hereby objects to the revised tariffs that were filed by the NSTAR Companies on January 20, 2006 in the above-captioned docket and request that they be stricken.¹ The Department should reject the tariffs and the procedures set forth in the cover letter accompanying the tariffs on the ground that they violate an express directive to revise the tariffs in the Department's January 12, 2006 Final Order (the "Order").

Specifically, the Order directed NSTAR to amend that part of its previously-proposed tariff language which specified that customers and competitive suppliers must "demonstrate to the Company's satisfaction" that the customer had been placed on default service upon the expiration of its retail supply contract in order to be excepted from the new tariff rules. Order at 17-18 n. 4. The Order further directed NSTAR to "employ a procedure focused on particular cases so as not to encumber all market transactions with unnecessary proofs or documentation." *Id.* In submitting its January 20, 2006 tariff filing, NSTAR defied both of these directives. First, it did not amend its tariff language; it submitted the exact same language that appeared in its earlier proposal and that was explicitly rejected by the Department. Second, the proposed new procedures set forth by NSTAR in its cover letter do precisely what the Department prohibited, namely, encumber all market transactions with unnecessary proofs or documentation.² In addition to these dual compliance failures, RESA notes that it also

¹ As discussed in RESA's Initial Comments in this docket (at p. 1), the opinions expressed in this letter may not represent the views of all members of RESA.

² These types of procedures should not be in a cover letter. Rather, they should be encompassed in the tariffs themselves so that they will be available to customers and competitive suppliers that must necessarily rely on them to participate in the competitive market.

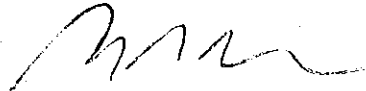
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has significant concerns regarding aspects of the Order, including the Department's views regarding NSTAR's possible role in determining retail supplier compliance of the new requirements established in the Order. See id. at 17-18. RESA will address these and other substantive concerns in a motion for reconsideration or clarification that it expects to file tomorrow, February 1, 2006.

Accordingly, RESA requests that the Department strike the NSTAR compliance filing as non-responsive to the Order and stay implementation of the Order pending establishment of new procedures.

If you have any questions, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Munnelly, Jr.', with a stylized, cursive script.

Robert J. Munnelly, Jr.

cc: John K. Habib, Esq. (by e-mail and mail)
Jeanne Voveris, Hearing Officer (w/two copies)